IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.27099-M of 2007
Date of Decision:- 17.8.2007

Mahesh Ranka & Manish Pacholi ....Petitioner(s)

through
Mr.Gorakh Nath, Advocate

vs.

Rajinder Pal Pasricha & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

Mr.Gaurav Chopra, Advocate.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of criminal complaint titled as **Rajinder Pal Pasricha vs. Mahesh Ranka and two others** registered under Sections 500, 506 and 507 read with Section 34 IPC as well as the summoning order dated 10.10.2005 (Annexure P-2) passed therein.

Notice of motion was issued and in response thereto, learned counsel for the respondents have put in appearance.

Having heard learned counsel for the parties and upon perusal of the material on record, it is apparent that the petitioners are seeking quashing of the impugned proceedings on the grounds which are founded upon disputed questions of fact and in relation thereto, it does not appear desirable and/or expedient to form any conclusive opinion.

Consequently, this petition is disposed of with liberty to the petitioners to raise all their contentions before the learned trial Court at an appropriate stage and the same shall be taken into consideration in accordance with law.

However, keeping in view the fact that the petitioners are residents of Mumbai and it will hit them too hard to visit Panchkula on each and every date of hearing, liberty is granted to them to move an application before the learned Judicial Magistrate to grant them exemption from personal appearance and if any such application is moved by them, the learned trial Court may grant them exemption, however, subject to conditions that they:-(i) shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute their identity as accused; (iv) shall have no objection if the prosecution evidence is recorded in their absence but in the presence of their counsel; and (v) any other condition which the learned trial Court may impose.

August 17, 2007 **(SURYA KANT)**
poonam **JUDGE**